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MAY - 6 2005

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LAW DEPARTMENT
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FRANKLIN LAKES, NJ 07417-1880

In re Application of :
Kenneth A. Davis et al :
Serial No.: 10/045,949 : PETITION DECISION
Filed: January 11, 2002 :
Attorney Docket No.: :

This is in response to the petition under 37 CFR 1.181, filed February 3, 2005, requesting withdrawal of abandonment based non-receipt of an Office action.

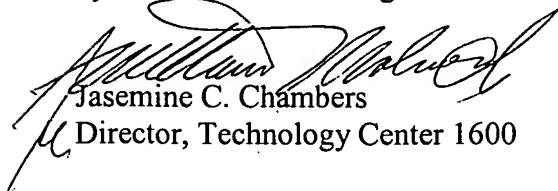
A review of the file history shows that this application was filed with an ADS (Application Data Sheet) in which the correspondence address was listed as Customer No. 01473, which is the address for FISH & NEAVE, LLP. The unsigned declaration, however, contained as a correspondence address, the address listed above. A later filed signed declaration also contained the address listed above. However, no corrected ADS was filed and the correspondence address was not changed. An Associate Power of Attorney filed prior to the signed declaration listed a San Jose, CA, address different from that above. Where an ADS is filed the correspondence address is taken from the ADS unless changed by submission of a new Power of Attorney or ADS. Such has not been done here. Further, it is clear that the failure to include a correct correspondence address lies with applicants. It is also noted that the petition contains no return correspondence address, only a Customer No. In view of applicants providing an incorrect correspondence address and other alternative addresses the Office was not in error in mailing the Office action to the correspondence address thought to be correct. In view of the above facts, the application cannot be revived under 37 CFR 1.181.

The petition is **DENIED**.

Applicants may file a petition under 37 CFR 1.137(b) for revival of this application. Any such petition must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

A copy of the non-received Office action accompanies this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.



Jasmine C. Chambers
Director, Technology Center 1600